

ATTORNEY DOCKET NO. 13053STUS01U (NORT10-00100)
U.S. SERIAL NO. 09/739,708
PATENT

REMARKS

Claims 1-31 are pending in the application.

Claims 1-31 have been rejected.

Reconsideration of the Claims is respectfully requested.

I. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Han, et al. (US 5,818,903), hereinafter, "Han". The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

The Office Action argues that Applicant's recited feature "receiving a message composed by the calling party" is disclosed in Han, citing Col. 2, lines 3-14 and Col. 7, lines 15-

30. For the benefit of the Applicant and Examiner, those portions of Han are duplicated here:

... predetermined time, wherein the result processing step of the call outgoing mobile station includes the substeps of processing a call as a "no service error" when either a current state is not a traffic state, or a no service is indicated in a message transmitted from the mobile station when attempting an outgoing signal when the mobile station is out of a CDMA system service region, or a no service is indicated in a message of the mobile station when a call drop occurs at the time

ATTORNEY DOCKET NO. 13053STUS01U (NORT10-00100)

U.S. SERIAL NO. 09/739,708

PATENT

of attempting a call, processing a call as a "call setup failure" when either a current state is not a traffic state, or a message of the mobile station only indicates a call failure, or the mobile station does not normally process a call, processing a call as a "no response call" when either a . . .

Col. 2, lines 3-14.

The kind of the call attempt result of the call outgoing mobile station will now be explained in more detail. The call transmitting success denotes the FER which is lower than a reference level when a call is maintained when the mobile station is in the traffic state during a set time. In addition, the no service error denotes a state that no service error is displayed in accordance with a message transmitted from the mobile station when attempting a call signal transmission. In this case, the mobile station is out of the CDMA system service region. In addition, when a call drop occurs during a calling, the no service is also displayed in accordance with a message transmitted from the mobile station. The call setup failure denotes a state that a call failure is displayed in accordance with a message transmitted from the mobile station after a lapse of two seconds after a call signal is attempted.

Col. 7, lines 15-30.

Applicant respectfully submits that Han does not disclose receiving a message composed by the calling party. While Han apparently recites that a message is transmitted from a mobile station (in an abstract sense and not in the context of the subject matter of Applicant's invention), there is, however, no disclosure reciting the receiving of the message, or reciting the message was "composed" by a calling party - as arranged as they are in the Applicant's claims.

Also in contrast, Han is a simulation device. The simulation device is directed to a CDMA mobile automatic call simulating method and a simulator therefor which overcomes the problems encountered in the conventional CDMA mobile automatic call simulating method and a simulator therefore. Thus, Han is directed to a distinctly different invention in a different area

ATTORNEY DOCKET NO. 13053STUS01U (NORT10-00100)
U.S. SERIAL NO. 09/739,708
PATENT

(simulator and simulating methods).

Accordingly, Han does not disclose each and every limitation of the claimed invention, and the Applicant respectfully requests the Examiner withdraw the § 102(b) rejection of Claims 1-31.

II. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

ATTORNEY DOCKET No. 13053STUS01U (NORT10-00100)
U.S. SERIAL No. 09/739,708
PATENT

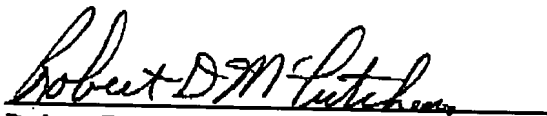
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 3/14/2003


Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@davismunck.com*